

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 12, 14-16, 18, and 20-22 are currently pending, Claims 12, 14, 18, and 20-22 having been amended, and Claims 13, 17, and 19 having been canceled without prejudice or disclaimer. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on original Claim 10; page 6, line 12 to page 7, line 32; and Fig. 6.

In the outstanding Office Action, Claim 22 was objected to as being of improper dependent form; Claim 19 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; Claims 12 and 17 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement; Claims 12-14 and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mostafa (U.S. Pub. No. 2002/0073205) in view of Richardson et al. (U.S. Pub No. 2005/0021806, hereafter “Richardson”), Jason, Jr. et al. (U.S. Patent No. 6,728,243, hereafter “Jason”), and Barde et al. (U.S. Pub. No. 2004/0268400, hereafter “Barde”); and Claims 15-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mostafa in view of Richardson, Jason, Barde, and Cooper (U.S. Pub. No. 2004/0003399).

With respect to the objection to Claim 22, Applicants submit that Claim 22 has been amended to be in independent form and directed to a terminal. Therefore, Applicants respectfully submit that this ground of objection is overcome.

With respect to the rejection of Claim 12 under 35 U.S.C. §112, first paragraph, Applicants respectfully submit that the amendment to Claim 12, reciting that the “terminal includes an MMS-client,” overcomes this ground of rejection.

With respect to the rejection of Claim 17 under 35 U.S.C. §112, first paragraph, as now applicable to amended Claim 12, Applicants respectfully submit that the amendment to Claim 12, reciting “an MMS message is initially transmitted to the terminal,” overcomes this ground of rejection.

With respect to the rejection of Claim 12 under 35 U.S.C. §103(a), Applicants respectfully submit that the amendment to Claim 12 overcomes this ground of rejection.

Amended Claim 12 recites, *inter alia*,

before a streaming service is initialized, an MMS notification message is initially transmitted to the terminal, the MMS notification message includes buffer data and information about the data flow, the buffer data being initial streaming video data that can be stored on the terminal prior to a user of the terminal starting a streaming service such that the streaming client can start streaming of buffer data without delay.

Applicants submit that Mostafa, Richardson, Jason, and Barde fail to disclose or suggest at least these features of amended Claim 12.

Mostafa is directed to a communication service in which an MMS notification is sent to a receiving terminal prior to a terminal downloading media from a media server. Fig. 2 of Mostafa shows a system 20 which includes a communication server which includes a media server 22 and a MMS server 23. Mostafa describes a three phase process of streaming information to the receiving terminal. During phase 1, a sender 21 establishes a streaming session with media server 22 and uploads media content to the server (see para. [0103]). During phase 2, a notification is sent via the MMS server 23 to receiver 24 which indicates that the media content is stored on media server 22 (see para. [0104]). During phase 3, the receiver 24 establishes a streaming session with media server 22 based on information in the notification message and the receiver starts to download and play the media (see para. [0105]).

While Mostafa describes a MMS server sending a notification MMS message to notify a receiver of media content stored on a media server, the notification MMS message does not include buffer data that is initial streaming video data of the media content. Therefore, Applicants respectfully submit that Mostafa fails to disclose or suggest “before a streaming service is initialized, an MMS notification message is initially transmitted to the terminal, the MMS notification message includes buffer data and information about the data flow, the buffer data being initial streaming video data that can be stored on the terminal prior to a user of the terminal starting a streaming service such that the streaming client can start streaming of buffer data without delay,” as defined by amended Claim 12.

Richardson is directed to a method of delivering data streams of multiple data types at different priority levels. Fig. 1 of Richardson shows a server 100 linked to a client 200 via networks 300, 500, and 400 (see para. [0016]). Richardson describes that server 100 can provide a video data stream comprising different types of video frames, such as I frames and P frames (see para. [0016]).

However, Richardson does not describe that before the client 200 downloads a video data stream, an MMS notification message is initially transmitted to the terminal which includes initial buffer data of the video data stream. Therefore, Applicants respectfully submit that Richardson fails to disclose or suggest “before a streaming service is initialized, an MMS notification message is initially transmitted to the terminal, the MMS notification message includes buffer data and information about the data flow, the buffer data being initial streaming video data that can be stored on the terminal prior to a user of the terminal starting a streaming service such that the streaming client can start streaming of buffer data without delay,” as defined by amended Claim 12.

Jason is directed to a method of packet classification. Fig. 1 of Jason shows a network 101 with network servers 102, 104, 106, and 108. A packet sent from a source node

may have alternate paths through the network to reach the destination node. Jason describes that there may be a preferred path through the network and that packets having a higher priority will be sent through the preferred path (see col. 4, lines 4-49). However, Applicants submit that Jason fails to disclose or suggest “before a streaming service is initialized, an MMS notification message is initially transmitted to the terminal, the MMS notification message includes buffer data and information about the data flow, the buffer data being initial streaming video data that can be stored on the terminal prior to a user of the terminal starting a streaming service such that the streaming client can start streaming of buffer data without delay,” as defined by amended Claim 12.

Barde is directed to achieving a quick startup of streaming video content. Fig. 1 of Barde shows a network 100 with various client devices and server devices attached thereto. Fig. 2 shows that a client device has a streaming media player 200 with a buffer 206 and a “stitched-reference play-list” 208. The streaming media player is configured to buffer and play back streaming media content in accordance with the stitched reference play-list 208 (see para. [0033]). Figs. 3-5 of Barde describe a prior art technique of downloading streaming media, in which a user selects a video to download via an interface shown on Fig. 3, and Fig. 5 shows that the media player will buffer data for about 5 seconds with a blank screen to show to the user. Then, after the buffering, the initial video content itself may just show a still image (such as an FBI warning) for several seconds before the remainder of the video is played (see Fig. 5). Figs. 6-8 an embodiment of the invention described by Barde. Fig. 6 shows that when a user selects a video to be streamed, a still image (such as an FBI warning) is displayed almost immediately without the initial blank screen being shown while the video content is initially being buffered (see also Fig. 7). Fig. 8 shows a stitched reference play list 208 that references a static image and the video content (see para. [0046]-[0047]). When a user selects video content, a link is made to the stitched reference playlist

and the static image referenced in the playlist (such as the FBI warning) is accessed and displayed on the media player (see para. [0048]). The stitched reference playlist itself is accessed by the media player from a content server or from another device on the network (see para. [0048]). Applicants also note that when the static image is being accessed according to the stitched playlist, there is still a small buffering period of about 0.5 seconds used to buffer the static image (see para. [0049]). Therefore, it appears that the static image itself is still required to be downloaded after the user selects the video content.

However, Barde does not describe that before the user starts to stream the video data, the content server sends a notification message to the client which already includes initial streaming video data that can be stored on the client. On the contrary, Barde describes a user first starting to stream the video data by selecting a video to be played, and *then* receiving a still image to be displayed while video data is initially buffered.

Applicants note that with regard to original Claim 17, the Office Action took the position that the combination of Mostafa, Richardson, Jason, Barde, and Cooper disclose “before a streaming service is initialized, an MMS is initially transmitted to the terminal which has re-requested/asked for the service, the MMS includes buffer data and information about the data flow, whereby the streaming client can start streaming of buffer data without delay.” (See Office Action, at pages 9-10). Specifically, the Office Action asserts that Mostafa describes that an MMS is initially transmitted to the terminal which has requested the service, and that the MMS includes information about the data flow (see Office Action, at pages 9-10, citing para. [0104]-[0105] of Mostafa). The Office Action also asserts that Barde describes that the MMS includes buffer data (see Office Action, at page 9, citing para. [0033], lines 6-8 of Barde).

However, as discussed above, the MMS notification message described in Mostafa notifies the receiver about the media content being stored, but does not actually include

buffer data which is initial streaming video data. Additionally, para. [0033], lines 6-8 of Barde merely describes “client device 102 includes a buffer 206 that is used to buffer streaming content received from the content server 104.” Applicants submit that this is only a description of a basic buffer included in the client device and does not include any description of buffer data being included in an initial notification message sent from the content server 104 to the client device 102 before the user begins to starts streaming content.

Therefore, Applicants respectfully submit that Barde fails to disclose or suggest “before a streaming service is initialized, an MMS message is initially transmitted to the terminal, the MMS message includes buffer data and information about the data flow, the buffer data being initial streaming video data that can be stored on the terminal prior to a user of the terminal starting the streaming service such that the streaming client can start streaming of buffer data without delay,” as defined by amended Claim 12.

Therefore, Applicants respectfully submit that Barde does not remedy the deficiencies of Mostafa, Richardson, and Jason with regard to amended Claim 12.

Cooper has also been considered but fails to remedy the deficiencies of Mostafa, Richardson, Jason, and Barde with regard to amended Claim 12.

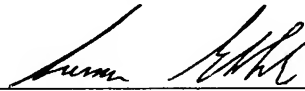
Therefore, Applicants respectfully submit that amended Claim 12 (and all associated dependent claims) patentably distinguishes over Mostafa, Richardson, Jason, Barde, and Cooper, either alone or in proper combination.

Independent Claims 20-22 recite features similar to those of Claim 12 discussed above. Therefore, Applicants respectfully submit that amended Claims 20-22 (and all associated dependent claims) patentably distinguish over Mostafa, Richardson, Jason, Barde, and Cooper, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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